

NAIROBI CITY COUNTY GOVERNMENT



NAIROBI CITY COUNTY ASSEMBLY

**REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON
CONSIDERATION OF THE COUNTY FISCAL STRATEGY PAPER FOR THE YEAR
2019/2020**

**Clerk's Chambers
Nairobi City County Assembly
City Hall Buildings
NAIROBI, KENYA**

APRIL, 2019

Page 1 of 16



1.0. PREFACE

1.02. Mandate of the Committee

01. The Sectoral Committee on Justice and Legal Affairs is one of the Committees of the Nairobi City County Assembly established under Standing Order 203 (1) whose mandate, pursuant to the Standing Order 206 (6) is to, among others;-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programmes and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

02. In accordance with the Second Schedule of the Standing Orders (203), the Committee is mandated to consider matters of constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anticorruption and human rights and also oversees the following County Government Departments that fall under the **office of the Governor**, namely:-

- i) Administration and Support services(fleet management, Hospitality and Office Management, County Records, Printing and County Executive);



2019/2020 pursuant to the provisions of section 117 of the Public Finance Management Act.

04. Standing Order 221 (3) provides that the CFSP shall be deemed committed to the respective Sectoral Committees for scrutiny according to their mandates once it's laid before the Assembly and make recommendations to the Budget and Appropriations Committee.
05. The Budget Committee is required under Standing Order 221 (4) to consult each Sectoral Committee while considering the Fiscal Strategy Paper and table its report containing its recommendations to the County Assembly for consideration.
06. In accordance with the foregoing, the Sectoral Committee on Justice and Legal Affairs, examined the CFSP with respect to the Sectors it oversees and held a meeting with respective Chief Officers on **26th March, 2019** to seek their views on the same.
07. Hon. Chairperson, this Report contains the deliberations of the Sectoral Committee on Justice and Legal Affairs on the Fiscal Strategy Paper and its recommendations to the Select Committee on Finance, Budget and Appropriations.

1.05. Appreciation

08. Hon. Chairperson, the Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to the Members while considering the CFSP 2019/2020. I am grateful for the Members of the Committee whose support enabled the Committee to accomplish this task. Special thanks to the secretariat for the support at all times.



2.0. EXAMINATION OF THE COUNTY FISCAL STRATEGY PAPER (CFSP)

10. On **Tuesday, 26th March 2019**, the Sectoral Committee on Justice and Legal Affairs held a meeting in which it examined the Fiscal Strategy Paper with regards to the **Legal Affairs department, City Inspectorate and Security sectors, Public Relations, Cabinet Affairs, Disaster management and Sub county administration** which fall under its mandate. In attendance were various respective Chief Officers and Directors.
11. The Committee was keen to identify the sectors achievements in the previous FY, the sectors priorities and whether the ceilings provided in the FY Year 2019/2020 were adequate.

2.01. Office of the Governor

12. The Office of the Governor comprises of the following Departments:-
 - i) Administration and Support services;
 - ii) Devolution and Sub- County Administration
 - iii) Security and Compliance;
 - iv) Legal Affairs; and
 - v) Audit and Risk Management.
13. The County Fiscal Strategy Paper has set the budget ceilings for the Office of the Governor and that of the Deputy Governor at Kshs. **6.256 billion** with Kshs. **5.9 billion** set aside for recurrent and Kshs. **353 million** earmarked for development programmes.

2.01. Key priorities

14. The following are the identified priorities for the Departments under the Office of the Governor for the FY 2019-2020:-

No.	Department	Priorities	Estimated Cost
a)	Administration and Support	Creation of modern receptions at City Hall/City	10,000,000



		Procurement of investigation software for surveillance and monitoring.	6,000,000
d)	Legal Affairs	Expansion of city court	15,000,000
		Purchase of bulk Cabinets	10,000,000
		Recruitment of Advocates (10) of Interns (10).	9,929,200
		Review of County Laws/ Formulations of Regulations (17)	25,000,000
		Purchase of software programs for legal case management	20,000,000
e)	Audit and Risk Management	Establishment of an audit Resource Centre	7,000,000
		Acquisition of Computer Auditing Software	10,000,000
		Training auditors on relevant audit skills.	10,000,000

15. The following are the identified as development programmes for the Departments under the Office of the Governor for the FY 2019-2020:-

No.	Department	Priorities	Estimated Cost
a)	Administration and Support services	Creation of modern receptions at City Hall/City Hall Annex	10,000,000



d)	Legal Affairs	Expansion of city court	15,000,000
		Purchase of bulk Cabinets	10,000,000
		Purchase of software programs for legal case management	20,000,000
e)	Audit and Risk Management	Establishment of an audit Resource Centre	7,000,000
		Acquisition of Computer Auditing Software	10,000,000

3.0. COMMITTEE OBSERVATIONS

16. The Committee made the following observations with respect to each Department:-

a) Administration and Support services

- i.) That the proposed restructuring of offices and the creation of office space is essential for effective service delivery by County Staff.
- ii.) The Department has been incurring a confidential expenditure against the provisions of the PFM Act, 2012 which only allows the national government to incur such expenditure.

b) Devolution and Sub- County Administration

- i.) The proposed construction of sub-county offices shall enhance service delivery at the sub-county level.
- ii.) All departments should be consolidated in one office at the sub-county level and as such, there should be no duplication of construction of offices by each department to cut on cost and for efficient service delivery.



4.0. RECOMMENDATIONS

Hon. Chairman,

The Committee recommends as follows:

1. That the following policy measures be initiated by the Sector/Departments in the FY 2019-20:-
 - i) The confidential expenditure that was incurred in the FY 2018/2019 should not be part of the budget for the FY 2019/2020 when the estimates shall be tabled since such expenditure is against the provisions of the PFM, Act, 2012.
 - ii) The Office of the County Attorney should be allocated an independent vote head to allow financial independence and in compliance with the Nairobi City County Office of the County Attorney Act.
 - iii) The recruitment of Advocates should be fast-tracked in order to improve the efficiency of the Legal Department.
 - iv) Decretal fees be decentralized and budgeted for under the various Sectors.
 - v) Recruitment of constables should be prioritized during the FY 2019/2020 and any bureaucratic bottle-necks that have hampered the process should be eliminated.
 - vi) Only one office block should be constructed at the sub-county level which should accommodate all the Departments to cut on cost of the construction and to improve efficiency in service delivery.



	TOTAL	4,453	80	5624	233	5624	233
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17. That the following be approved as the programmes for the various Departments under the Office of the Governor and the Office of the Deputy Governor:-

No.	Department	Priorities	Estimated Cost
a)	Administration and Support services	Creation of modern receptions at City Hall/City Hall Annex	10,000,000
		Restructuring of Offices and creation of open Space offices	5,000,000
b)	Devolution and Sub-County Administration	Construction of seven (7) Sub County offices as follows:- <ul style="list-style-type: none"> – Embakasi South – Ruaraka – Langata – Kamukunji – Starehe – Embakasi Central – Embakasi North 	112,000,000
		Procurement of six (6) vehicles	36,000,000

